

SEP. 23. 2004 7:14PM

PABST PATENT GROUP

RECEIVED  
CENTRAL FILE CENTER

NO. 1636 P. 4

SEP 23 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Bruce A. Yankner and Philip Nadeau

Serial No.: 10/086,398

Art Unit: 1617

Filed: February 28, 2002

Examiner: Theodore J. Criares

For: *METHODS FOR DECREASING BETA AMYLOID PROTEIN*

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

Sir:

This is an appeal from the final rejection of claims 23-29 in the Office Action mailed February 24, 2004, in the above-identified patent application. A Notice of Appeal was filed on July 23, 2004. The Commissioner is hereby authorized to charge \$330.00, the fee for the filing of this Appeal Brief for a large entity, to Deposit Account No. 50-3129. It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

*Fee Purposes  
Only*

/07/2004 MAY22 00000002 503129 10086398

FC:1402 330.00 DA

450509424v1

1

CMCC 654 DIV(2)  
078836.00059

**BEST AVAILABLE COPY**

U.S.S.N. 10/086,398  
Filed: February 28, 2002  
APPEAL BRIEF


**(8) SUMMARY AND CONCLUSION**

The prior art does not suggest that lowering cholesterol would have any effect on A $\beta$  production in neuronal cells. The dosages required to decrease production of A $\beta$  protein is different from that required to treat atherosclerosis, even though the serum component, cholesterol, is the same. Since the dosage is different, the claims are novel.

The prior art does not disclose the use of cholesterol lowering agents to decrease production of A $\beta$  protein and therefore does not lead one to the selections required for one of ordinary skill in the art to make and use the claimed composition.

For the foregoing reasons, Appellants submit that claims 23-29 are patentable.

Respectfully submitted,

  
Rivka D. Monheit  
Reg. No. 31,284

Date: September 23, 2004

PABST PATENT GROUP LLP  
400 Colony Square, Suite 1200  
1201 Peachtree Street  
Atlanta, Georgia 30361  
(404) 879-2152  
(404) 879-2160 (Facsimile)

450509424v1

10

CMCC 654 DIV(2)  
078856.00059